

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 CIAE-00 COME-00 EB-07 INR-07 LAB-04
NSAE-00 SIL-01 AF-10 ARA-06 EA-07 EUR-12 NEA-10
OIC-02 H-01 L-03 PA-01 PRS-01 USIA-06 /092 W
-----112110Z 027872 /70

O R 111707Z MAY 77
FM USMISSION GENEVA
TO AMEMBASSY MONTEVIDEO IMMEDIATE
INFO SECSTATE WASHDC 7265

C O N F I D E N T I A L GENEVA 3629

PASS LABOR FOR ILAB

PASS COMMERCE FOR UPTON

SIL FOR DALE GOOD

E.O. 11652: GDS
TAGS: ILO PLAB
SUBJ: ILO: URUGUAYAN CASE IN FREEDOM OF ASSOCIATION
COMMITTEE

1. FOLLOWING INFORMATION IN ANSWER TO PARA TWO REF A.
THE DIRECTOR GENERAL'S REPRESENTATIVE, PROFESSOR CHIER
OF FRANCE, HAS NOT FINISHED HIS REPORT TO THE FREEDOM OF
ASSOCIATION COMMITTEE (FAC). THE FAC WILL MEET ON MAY 24 DURING
THE GOVERNING BODY SESSION; THE FAC MEETS IN CLOSED SESSION AND
THE US IS NOT A MEMBER. ON THE BASIS OF CHIER'S REPORT, THE FAC
COULD RECOMMEND THE FOLLOWING: (1) IF THE GOU HAS MADE LITTLE
PROGRESS SINCE THE "DIRECT CONTACT" BY CHIER, THAT THE GOVERNING
BODY SET UP A FORMAL COMMISSION OF INQUIRY; (2) IF THE GOU HAS
GIVEN INDICATIONS OF PROGRESS, THAT IT BE GIVEN A DELAY
OF SIX TO TWELVE MONTHS TO SOLVE ITS PROBLEMS; OR (3) POSSIBLE
FURTHER DIRECT CONTACT BY CHIER OR ANOTHER REP OF THE DG. (FYI:
SINCE LITTLE PROGRESS HAS BEEN MADE BY THE GOU IN THE PERIOD
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BETWEEN THE FIRST DIRECT CONTACT IN JULY 1975 AND THE CHIER MISSION,
THE SECRETARIAT BELIEVES LITTLE CAN BE EXPECTED BY THE MAY 24
MEETING. FURTHERMORE, AT ITS LAST SESSION, THE FAC APPEARED TO BE
MORE IMPATIENT WITH THE GOU. WE IMPLY FROM THIS THAT A COMMISSION
OF INQUIRY IS PROBABLE. END FYI)

2. THE COMMITTEE ON APPLICATION OF CONVENTIONS OF THE INTER-
NATIONAL LABOR CONFERENCE MAY ALSO TAKE UP GOU COMPLIANCE WITH
CONVENTION 87 (FREEDOM OF ASSOCIATION) AND CONVENTION 98 (RIGHT
TO ORGANIZATION AND TO COLLECTIVE BARGAINING). SEE PARAS THREE AND

FOUR BELOW FOR THE COMMENTS IN THE REPORT OF THE COMMITTEE OF EXPERTS ON URUGAY. THE RECOMMENDATIONS OF THE FAC ADOPTED BY THE GB IN MARCH ARE IN PARA FIVE BELOW.

3. COE COMMENTS ON CONVENTION 87: GEGIN TEXT: THE COMMITTEE NOTES THE INFORMATION SUPPLIED BY THE GOVERNMENT IN ITS MOST RECENT REPORT AS WELL AS THE REPORTS SUBMITTED BY THE COMMITTEE ON FREEDOM OF ASSOCIATION CONCERNING THE CASE OF URUGAY (CASE NO 783) AND CONCERNING THE COMPLAINT ON THE OBSERVANCE URUGUAY OF CONVENTIONS NOS 87 AND 98 PRESENTED BY VARIOUS DELEGATES AT THE 61ST (1976) SESSION OF THE INTERNATIONAL LABOUR CONFERENCE PURSUANT TO ARTICLE 26 OF THE CONSTITUTION.

IN A PREVIOUS DIRECT REQUEST THE COMMITTEE MADE COMMENTS WITH RESPECT TO DECREE NO 622 OF 1973 WHICH REGULATES TRADE UNION ACTIVITIES.FROM THE EXAMINATION OF THE TRADE UNION SITUATION IN URUGUAY

UNDERTAKEN BY THE COMMITTEE ON FREEDOM OF ASSOCIATION IT APPEARS THAT, ALTHOUGH THIS DECREE IS IN FORCE, IT IS ONLY PARTIALLY APPLIED, NAMELY WITH RESPECT TO THE REGULATION OF THE RIGHT TO STRIKE AND THE PROHIBITION ON TRADE UNIONS FROM ENGAGING IN POLITICAL ACTIVITIES. THAT THE LEGISLATION IS NOT FULLY APPLIED IS ATTRIBUTABLE TO THE FACT THAT TRADE UNIONS HAVE BEEN UNABLE TO OBTAIN REGISTRATION IN SPITE OF THE FACT THAT MANY OF THEM HAVE COMPLIED WITH THE FORMALITIES LAID DOWN. UNLESS THEY ARE REGISTERED, TRADE UNIONS ONLY EXIST IN FACT AND NOT IN LAW AND SUCH A SITUATION CONSIDERABLY RESTRICTS THEIR ACTIVITIES (ELECTION OF OFFICERS, RECOGNITION BY EMPLOYERS, CONFIDENTIAL

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COLLECTION OF TRADE UNION DUES, MEETINGS, ETC).

AT ITS MEETING IN NOVEMBER 1975 THE GOVERNING BODY, ON THE BASIS OF RECOMMENDATIONS MADE BY THE COMMITTEE ON FREEDOM OF ASSOCIATION, INDICATED TO THE GOVERNMENT THE IMPORTANCE WHICH IT ATTACHES TO THE RAPID ADOPTION AND APPLICATION OF TRADE UNION LEGISLATION IN CONFORMITY WITH THE STANDARDS CONTAINED IN CONVENTION NO 87, PARTICULARLY IN THE LIGHT OF THE COMMENTS MADE BY THE COMMITTEE ITSELF AND BY THE COMMITTEE OF EXPERTS WITH RESPECT TO DECREE NO 622.

THE COMMITTEE NOTES FROM THE INFORMATION SUPPLIED BY THE GOVERNMENT WITH RESPECT TO THE CASE EXAMINED BY THE COMMITTEE ON FREEDOM OF ASSOCIATION THAT THE NATIONAL SECURITY COUNCIL ON 20 JAN 1977 ADOPTED RESOLUTIONS ON THE FOLLOWING QUESTIONS: (A) AUTHORISATION OF THE EXECUTIVE AUTHORITY FOR THE FUNCTIONING OF A TEMPORARY AND PRACTICAL NATURE OF JOINT COMMITTEES WHICH WOULD OPERATE AT THE WORKS LEVEL REGARDING INDUSTRIAL RELATIONS QUESTIONS; (B) THE DECISION OF THE PRESIDENT OF THE REPUBLIC THAT THE MINISTER OF LABOUR AND SOCIAL SECURITY, ON THE BASIS OF THE EXPERIENCE GAINED IN THIS RESPECT, SHOULD PREPARE A DRAFT BILL FOR SUBSEQUENT APPROVAL OF TRADE UNION LEGISLATION. THE DECREE REGULATING THE ESTABLISHMENT AND OPERATIONS OF JOINT COMMITTEES WAS ISSUED ON 15 FEB 77.

THE COMMITTEE NOTES ALSO THAT A REPRESENTATIVE OF THE DIRECTOR-GENERAL WILL VISIT URUGUAY IN THE NEAR FUTURE, IN THE CONTEXT OF THE SPECIAL FREEDOM OF ASSOCIATION PROCEDURE, IN ORDER TO GATHER INFORMATION ON DEVELOPMENTS IN THE TRADE UNION SITUATION IN THE COUNTRY

AND ON THE PROSPECTS FOR THE ADOPTION OF NEW LEGISLATION IN THE TRADE UNION FIELD.

THE COMMITTEE TRUSTS THAT THE GOVERNMENT WILL APPROPRIATELY REGULATE THE TRADE UNION SITUATION AT AN EARLY DATE AND WILL ADOPT NEW LEGISLATION IN THE FIELD WHICH WILL TAKE INTO ACCOUNT THE COMMENTS MADE PREVIOUSLY ON DECREE NO 622 AND BE IN FULL CONFORMITY WITH THE STANDARDS CONTAINED IN THE CONVENTION.¹

¹ THE GOVERNMENT IS ASKED TO REPORT IN DETAIL FOR THE PERIOD ENDING 29 JUNE 1977.

4. COE COMMENTS ON CONVENTION 98: BEGIN TEXT: THE COMMITTEE NOTES THE REPORT SUPPLIED BY THE GOVERNMENT.
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WITH RESPECT TO THE NEW TRADE UNION LEGISLATION BEING PREPARED BY THE GOVERNMENT (SEE UNDER CONVENTION NO 87), THE COMMITTEE EXPRESSES THE HOPE THAT THIS LEGISLATION WILL BE IN FULL CONFORMITY WITH THE PROVISIONS OF THE CONVENTION, PARTICULARLY AS REGARDS PROTECTION AGAINST ACTS OF ANTI-UNION DISCRIMINATION (ARTICLE 1) AND ACTS OF INTERFERENCE (ARTICLE 2).

MORE SPECIFICALLY AS REGARDS COLLECTIVE BARGAINING, THE COMMITTEE

REQUESTS THE GOVERNMENT TO PROVIDE INFORMATION ON THE MEASURES TAKEN TO ENCOURAGE AND PROMOTE THE FULL USE OF THIS PROCEDURE SO THAT WORKERS' ORGANISATIONS AND EMPLOYERS AND THEIR ORGANISATIONS CAN REGULATE CONDITIONS OF EMPLOYMENT THROUGH COLLECTIVE AGREEMENTS (ARTICLE 4).

5. FAC RECOMMENDATIONS: BEGIN TEXT: IN THESE CIRCUMSTANCES, THE COMMITTEE RECOMMENDS THE GOVERNING BODY:
(A) TO TAKE NOTE OF THE INFORMATION COMMUNICATED BY THE GOVERNMENT AND OF THE LATTER'S CONSENT TO RECEIVE THE VISIT OF A REPRESENTATIVE OF THE DIRECTOR-GENERAL;
(B) TO REQUEST THAT THIS VISIT MAY TAKE PLACE AT AN EARLY DATE AND THAT THE REPRESENTATIVE OF THE DIRECTOR-GENERAL, WITH ALL THE NECESSARY FACILITIES, MAY OBTAIN, IN PARTICULAR, INFORMATION ON:
(I) THE DEVELOPMENT OF THE TRADE UNION SITUATION IN THE COUNTRY;
(II) THE PROSPECTS OF THE ADOPTION OF NEW TRADE UNION LEGISLATION;
(III) THE ELECTION OF WORKERS' REPRESENTATIVES TO THE JOINT COMMITTEES, AND THE FUNCTIONING OF THESE COMMITTEES;
(IV) THE SPECIFIC CHARGES BROUGHT AGAINST THE TRADE UNIONISTS WHO ARE STILL UNDER ARREST AND THE ALLEGATIONS OF ILL-TREATMENT OF A NUMBER OF SOME OF THESE DETAINEES;
(V) THE CIRCUMSTANCES IN WHICH A NUMBER OF TRADE UNION PREMISES WERE CLOSED;
(C) TO TAKE NOTE OF THE PRESENT INTERIM REPORT PENDING THE SUBMISSION TO THE COMMITTEE OF FURTHER INFORMATION BY THE REPRESENTATIVE OF THE DIRECTOR-GENERAL. SORENSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 22-Sep-1999 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY COMPLIANCE, COMMITTEE MEETINGS, INTERNATIONAL LABOR ORGANIZATIONS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 11-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA03629
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Expiration:
Film Number: D770166-0464
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197705110/baaaewib.tel
Line Count: 162
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Message ID: ae6fe888-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 14-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2347052
Secure: OPEN
Status: NATIVE
Subject: ILO: URUGUAYAN CASE IN FREEDOM OF ASSOCIATION COMMITTEE
TAGS: ELAB, UY, ILO
To: MONTEVIDEO INFO STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/ae6fe888-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009